



Middletown

VIRTUAL MEETING AGENDA FOR THE TOWN MEETING

January 25, 2021

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

PUBLIC HEARING

- **Ordinance 20-12-01 for Off-Site Sale of Liquor within Town Limits**⁵

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.20, SECTION 17.20.20 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE SPECIAL EXCEPTION USES IN THE GC GENERAL COMMERCIAL DISTRICT BY ALLOWING FOR THE OFF-SITE SALE OF LIQUOR AND TO ESTABLISH SPECIFIC SPECIAL EXCEPTION STANDARDS FOR GRANTING OF THE NEW SPECIAL EXCEPTION USES.

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA

- Town Meeting Minutes
 - **January 7, 2021 – Town Workshop**¹
 - **January 11, 2021 – Town Meeting**¹
 - **January 12, 2021 – Nominating Convention**¹

UNFINISHED BUSINESS:

- **Ordinance 20-11-01 – Amendments to the Water & Sewer Billing Policies & Procedures**⁶
- **Ordinance 21-01-01 – Amendments to Establish Expiration Date(s) for All Site Plans**

Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

NEW BUSINESS:

- [Review of Draft Public Works Agreement for Memorial Hall](#) ¹
- Discussion of Cable Franchise Agreements ¹
- [Appointment of Election Judges for Special Election](#) ¹
- Discussion of Downtown Public Parking ¹

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Special Election – Monday, February 22, 2021*

ADJOURNMENT

Zoom Invitation Information:

Topic: Town Meeting - January 25th

Time: Jan 25, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89501512339?pwd=cnEvYzNRS05EM3hLQmJaYTlzc3JlQT09>

Meeting ID: 895 0151 2339

Passcode: 661113

One tap mobile

*+19292056099,,89501512339#,,, *661113# US (New York)*

*+13017158592,,89501512339#,,, *661113# US (Washington D.C)*

Dial by your location

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+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 895 0151 2339

Passcode: 661113

Find your local number: <https://us02web.zoom.us/j/kd8LOVJvXi>

Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

ORDINANCE NO. 20-12-01

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.20, SECTION 17.20.20 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE SPECIAL EXCEPTION USES IN THE GC GENERAL COMMERCIAL DISTRICT BY ALLOWING FOR THE OFF-SITE SALE OF LIQUOR AND TO ESTABLISH SPECIFIC SPECIAL EXCEPTION STANDARDS FOR GRANTING OF THE NEW SPECIAL EXCEPTION USES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 17, Chapter 20.020 of the Middletown Municipal Code be, and hereby is amended as shown below. Language being deleted is designated by being ~~in brackets and stricken through~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 17 - ZONING

Chapter 17.20. COMMERCIAL DISTRICTS

17.20.20 – GC general commercial district.

A. – B. *{Unchanged}*

C. Special Exceptions in the GC District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060.

1-13. *{Unchanged}*

14. LIQUOR STORES (CLASS A OFF SITE RETAIL ALCOHOLIC BEVERAGE ESTABLISHMENTS)

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 48 be and is hereby amended to add a new section 17.48.420 as follows. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 17.48 – Specific Standards for Special Exceptions

17.48.420 – LICENSED CLASS A OFF SITE RETAIL ALCOHOLIC BEVERAGE ESTABLISHMENTS IN THE GENERAL COMMERCIAL DISTRICT.

IN THE GC DISTRICT, LICENSED CLASS A OFF SALE RETAIL ALCOHOLIC BEVERAGE ESTABLISHMENTS ("LICENCED ESTABLISHMENT") ARE SUBJECT TO THE REQUIREMENTS OF THAT DISTRICT AND SHALL SATISFY THE FOLLOWING REQUIREMENTS:

- A. THE LICENSED ESTABLISHMENT SHALL HAVE AT LEAST TEN OFF-STREET NONDEDICATED PARKING SPACES AVAILABLE FOR ITS PATRONS;**

- B. IN ADDITION TO COMPLYING WITH THE SIGN STANDARDS SET FORTH IN CHAPTER 17.36 (SIGNS), NO TEMPORARY WINDOW SIGNS SHALL BE PERMITTED;**
- C. THE HOURS OF OPERATION MAY NOT EXCEED 9 A.M. TO 10:00 P.M. MONDAY THROUGH SATURDAY, AND 10:00 A.M. TO 9:00 P.M ON SUNDAYS, WITH APPROVAL FROM THE BURGESS AND COMMISSIONERS, HOURS OF OPERATION CAN BE MODIFIED FOR SPECIAL OCCASIONS, SUCH AS NEW YEARS EVE, MEMORIAL DAY, LABOR DAY, 4TH OF JULY, ETC.; AND**
- D. THE LICENSED ESTABLISHMENT MAY NOT BE LOCATED WITHIN 1,000 FEET OF A SCHOOL OR PLACE OF WORSHIP; AND**
- E. NO OUTSIDE ACCESSORY STRUCTURES SUCH AS ICE MACHINES, VENDING MACHINES, SHALL BE PERMITTED IN THE FRONT OF THE ESTABLISHMENT**

SECTION III. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

BY: _____
John D. Miller, Burgess

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

VIRTUAL TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

January 7, 2021

The virtual workshop meeting of the Burgess and Commissioners of Middletown was called to order on January 7, 2021, by Burgess Miller at 7:00 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula, and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA: None

STAFF REPORTS:

Deputy Report – A Deputy report was provided to the Burgess and Commissioners prior to the meeting. No Deputy was present to review.

Staff Planner Report – Cindy reviewed her report.

Engineer’s Report – Bruce reviewed his report.

Main Street Manager Report – Becky reviewed her report.

Zoning Administrator’s Report – Mark reviewed his report.

CONSENT AGENDA:

- **Financial Statements**
- **Town Meeting Minutes**
 - *December 28, 2020 – Town Meeting*

UNFINISHED BUSINESS:

Ordinance 20-12-01 for Off-Site Sale of Liquor within Town Limits - An unscientific survey was made available to Middletown residents as to the interest in allowing the off-site sale of liquor within town limits. There were over 700 responses to the off-site sale of liquor in town limits survey with at any given time 64-68% in favor of it. Copies of the draft developed by the Town Attorney were provided for review. The Town Board agreed it would be allowed in the General Commercial District as a special exception only. It addresses parking requirements, sign standards, hours of operation and location in regard to houses of worship and schools. The Town Board added language to the ordinance about items such as soda machines, ice storage and other accessory items not being allowed outside the front of the structure. Those businesses that currently have such accessory items out front of their premises would be grandfathered in. The Town Board modified the hours of operation on Mondays through Saturdays to be 9 A.M. to 10 P.M. The proposed Sunday hours would remain the same. The Board stated that all interested parties would still have to go through the process of filing a special exception with the Board of Appeals and then the liquor board would determine who would get the one spot available in Middletown. The Staff Planner recommended changing the term “house of worship” to “place of worship” in keeping with other sections of Town Code.

Town Board scheduled a public hearing for January 25, 2021 to discuss Ordinance 20-12-01 for Off-Site sale of Liquor within Town Limits and February 8, 2021 to vote on the ordinance.

Introduction of Ordinance 20-11-01 – Amendments to the Water & Sewer Billing Policies & Procedures – This ordinance reflects the updates that states credit card payments are accepted and a new payment plan form for high water bills. The payment plan form includes a recommended minimum monthly payment that must be paid by the resident and that any payment plan granted must be paid in full within a year. The Water and Sewer committee is recommending a new way to calculate these high bills. Currently water/sewer adjustments on high water uses are determined by averaging the 4 quarters previous to the current high-water use and then multiplying that average by 2. If the current water use is higher than this calculation than an adjustment is granted. The proposed change includes an eligibility threshold of water usage that is 40% higher than the average of the previous 4 quarters. The calculation is then simply calculating the cost of the water usage using the base rate (no tiered rate). The property owner would be responsible for the total cost of the total amount of water used. Burgess Miller asked the Town Administrator to provide the Town Board with an example before the next Town Board Meeting. This ordinance will be an agenda item on the Town Board meeting in February.

Comprehensive Plan – Chapter Review – Commissioner LaPadula reviewed Chapters 5, 6 and the new Sustainability Chapter of the 2020 Comprehensive Plan. The Town Board was able to review Chapter 5 in both the original format/layout and in a new proposed format/layout. Town Board members were impressed with the new format. The Staff Planner has requested several times that FCPS confirm the numbers they provided regarding student enrollment but has received no answer. Burgess Miller will follow up with his contacts at FCPS. The Main Street Program information should be added to the Comp Plan as part of economic development. Burgess Miller requested that all the Middletown historical designations and designations as related to sustainability also be included in the appropriate sections of the Comp Plan.

Right-of-Way for Remsberg Park – Hutchinson Property – The issue in front of the Town Board is whether the Town should acquire a right-of-way from the Hutchinson family for the purpose of access to the future maintenance facility and full access to Remsberg Park across the panhandle section of the Hutchinson property. This panhandle splits the property. The Town has acquired an earlier right-of-way from the Hutchinson's for entrance to Remsberg Park which is currently in use as the park entrance. As the Town looks to future park amenities and a future maintenance facility, it would be in the best interest of the Town to acquire additional right-of-way for future needs. The Town has been in negotiations with the Hutchinson family and they are willing to grant the additional right-of-way to the Town in exchange for the following: asphalt paving of the driveway from the existing parking lot to their home, maintenance of the entire section of road/driveway right-of-way area, including snow removal, and address any drainage issues along the right-of-way area; of which all expenses would be covered by the Town. This right-of-way would be granted in perpetuity. The Town Project Manager created a cost estimate for the Town Board to review. Since the proposed Maintenance Facility is not being constructed currently the cost to the Town would be \$77-78,000.00 to install the pavement at this time as proposed. Once the maintenance facility is constructed there will be additional costs which include widening the road and adding more asphalt. This topic will be an agenda item at Monday evening's meeting.

Request for Modification of sidewalk requirements for Memar Property – The developer sent a letter to the Town Board proposing to put a comprehensive amount paths in the Foxfield Section 6 development in lieu of sidewalks. By walking in front of no more than 5 lots, residents would be able to access the paths system. This would decrease the amount of impervious surface within the development. The plans currently show sidewalks along one side of all streets within the proposed subdivision. Owners of the private lots would be responsible for the open space next to their lots and the Town would be responsible for the rest of the open space. The pathways would be the responsibility of the HOA. The Town is requesting that the walking trails be 8 feet wide as it leads to the wells so that the wells could be accessed by town equipment. The proposal was reviewed by the Town Administrator, the Director of Public

Works, and the Staff Planner. All disagreed with the proposal as there are safety concerns with individuals walking in the street and because of Town design standards. The Town Design Standard requires sidewalks on both sides of the street. Having sidewalks on both side of the streets would eliminate some of the walking paths. Sidewalks on both sides of the street would reduce the buffer from the surrounding farmland. Eliminating sidewalks would increase the buffer by 20 feet on one side of the development. Eliminating the sidewalks has minimal effect on MS4 requirements.

Discussion of Recycling drop site at Middletown Park –The recycling drop site at Middletown County Park was closed years ago due to single stream recycling but residents requested for the dumpster to come back. There have been issues for several years with people dumping junk and overflowing the recycling dumpster. This recycling drop off site is fairly busy year round, with the busiest time usually during the holidays. Covid has also produced an increased usage as individuals are ordering more things on-line resulting in more boxes and packaging. The Town Administrator contacted Frederick County Solid Waste for more signage and suggestions on what can be done to prevent junk from being dropped off. Discussion occurred considering adding a second dumpster to the site. Frederick County reimburses the Town the costs associated with this recycling site. It was suggested that a sign requesting people break down their boxes be posted on site. If this recycle drop off site is removed, there will be more recycling and boxes which would be out during residential recycling days. This could be a hazard if it is windy.

NEW BUSINESS:

2021 Joint Meeting Schedule Between the Town Board & Planning Commission – The Town Administrator reviewed the proposed dates for the joint meetings of the Town Board and the Planning Commission. This agenda item will be added to the consent agenda for Monday evening’s meeting.

FY2022 Budget Workshop Schedule – The Town Administrator reviewed the proposed dates for the FY2022 budget workshops. It was noted that employee compensations total will no longer reflect as a percentage increase as in the past. It will be listed as a dollar amount. This agenda item will be added to the consent agenda for Monday evening’s meeting.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Special Election Nominating Convention, January 12 at 7:00PM – This is a virtual nominating convention, please check the website and Town Facebook page for the zoom meeting details.*

Workshop adjourned at 8:55PM.

Respectfully submitted,

Annette Alberghini,
Office Manager

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

VIRTUAL TOWN BOARD MEETING MINUTES

TOWN MEETING

January 11, 2021

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on January 11, 2021, by Burgess Miller at 7:00 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula, and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

Danial M. McDougal, Senior Project Manager with Noelker & Hull Associates, Inc. Middletown Library Design - The architect for the proposed Middletown Library which will be located on East Green Street reviewed the proposed design and the design processes involved in its creation. The Main Street Program Manager stated that the design is beautiful but reflects a contemporary building located in a neo-traditional district. She provided photos of other libraries and buildings whose designs are more fitting with the neo-traditional architecture. Several residents stated they believed the design is too modern and does not reflect the character and architectural style of Middletown. The design and look of other libraries within this region were discussed. This is a preliminary design and both Frederick County and the architect are willing to incorporate changes so that everyone is excited about this project. This will be an item on future meetings.

CONSENT AGENDA:

- **Financial Statements**
- **2021 Joint Meeting Schedule between the Town Board & Planning Commission**
- **FY2022 Budget Workshop Schedule**
- **Town Meeting Minutes**
 - *December 28, 2020 – Town Meeting*

Motion: Commissioner LaPadula motioned to approve the consent agenda as presented. Seconded by Commissioner Falcinelli. Motion approved (5-0).

UNFINISHED BUSINESS:

Ordinance 20-12-01 for Off-Site Sale of Liquor within Town Limits - An unscientific survey was made available to Middletown residents as to the interest in allowing the off-site sale of liquor within town limits. There were over 700 responses to the off-site sale of liquor in town limits survey with at any given time 64-68% in favor of it. Copies of the draft developed by the Town Attorney were provided for review. The Town Board agreed it would be allowed in the General Commercial District as a special exception only. It addresses parking requirements, sign standards, hours of operation and location in regard to places of worship and schools. Additional language has been added addressing items such as soda machines, ice storage and other accessory items not being allowed outside the front of the structure. Those businesses that currently have such accessory items out front of their premises would be grandfathered in. The Town Board modified the hours of operation on Mondays through Saturdays to be 9 A.M. to 10 P.M. The proposed Sunday hours would remain the same. All interested parties would still have to go through the process of filing a special exception with the Board of Appeals and then the liquor board would determine who would get the one spot available in Middletown. The Staff Planner

recommended changing the term “house of worship” to “place of worship” in keeping with other sections of Town Code. It was suggested that the Ordinance include a section which would address off-site liquor sales and those places of worship that “pop-up” in shopping centers. It was suggested to add a statement addressing when a liquor store may want extended hours at certain times of the year.

Town Board scheduled a public hearing for January 25, 2021 to discuss Ordinance 20-12-01 for Off-Site sale of Liquor within Town Limits and February 8, 2021 to vote on the ordinance.

Introduction of Ordinance 20-11-01 – Amendments to the Water & Sewer Billing Policies & Procedures – This ordinance reflects the updates that states credit card payments are accepted and a new payment plan form for high water bills. The payment plan form includes a recommended minimum monthly payment that must be paid by the resident and that any payment plan granted must be paid in full within a year. The Water and Sewer committee is recommending a new way to calculate these high bills. Currently water/sewer adjustments on high water uses are determined by averaging the 4 quarters previous to the current high-water use and then multiplying that average by 2. If the current water use is higher than this calculation than an adjustment is granted. The proposed change includes an eligibility threshold of water usage that is 40% higher than the average of the previous 4 quarters. The calculation is then simply calculating the cost of the water usage using the base rate (no tiered rate). The property owner would be responsible for the total cost of the total amount of water used. Burgess Miller asked the Town Administrator to provide the Town Board with an example before the next Town Board Meeting. This ordinance will be an agenda item on the Town Board meeting in February.

Right-of-Way for Remsberg Park – Hutchinson Property – The issue in front of the Town Board is whether the Town should acquire a right-of-way from the Hutchinson family for the purpose of access to the future maintenance facility and full access to Remsberg Park across the panhandle section of the Hutchinson property. This panhandle splits the property. The Town has acquired an earlier right-of-way from the Hutchinson’s for entrance to Remsberg Park which is currently in use as the park entrance. As the Town looks to future park amenities and a future maintenance facility, it would be in the best interest of the Town to acquire additional right-of-way for future needs. The Town has been in negotiations with the Hutchinson family and they are willing to grant the additional right-of-way to the Town in exchange for the following: asphalt paving of the driveway from the existing parking lot to their home, maintenance of the entire section of road/driveway right-of-way area, including snow removal, and address any drainage issues along the right-of-way area; of which all expenses would be covered by the Town. This right-of-way would be granted in perpetuity. The Town Project Manager created a cost estimate for the Town Board to review. Since the proposed Maintenance Facility is not being constructed currently the cost to the Town would be \$77-78,000.00 to install the pavement at this time as proposed. Once the maintenance facility is constructed there will be additional costs which include widening the road and adding more asphalt.

The Town Board agreed by consensus to continue to pursue the discussion with the Hutchinson’s on this right-of-way.

Request for Modification of sidewalk requirements for Memar Property – The developer has requested a waiver from the Town Board for the Design Standard requirement for sidewalks on both sides of the street for the Foxfield Section 6 development citing a reduction in the amount of impervious surface in the development and the development not having children in it. Town Staff does not recommend granting this waiver. The reasons include the concentrated efforts by the Town to make Middletown a walkable community, Town design standards require sidewalks on both sides of the street and if granted there would be safety issues.

Motion: Commissioner LaPadula motioned to deny the waiver for sidewalks on one side of all streets in the Foxfield Section 6 development. Seconded by Commissioner Dietrick. Motion approved (5-0).

Discussion of Recycling drop site at Middletown Park –The recycling drop site at Middletown County Park was closed years ago due to single stream recycling but residents requested for the dumpster to come back. There have been issues for several years with people dumping junk and overflowing the recycling dumpster. This recycling drop-off site is fairly busy year-round, with the busiest time usually during the holidays. Covid has also produced an increased usage as individuals are ordering more things on-line resulting in more boxes and packaging. The Town Administrator contacted Frederick County Solid Waste to request the costs of adding a second dumpster to the site and if the County would reimburse those costs. Frederick County currently reimburses the Town the costs associated with this recycling site. Signs requesting people break down their boxes have been posted on site. Commissioner Goodman suggested re-locating the dumpsters and fencing to increase visibility of individuals dropping of their items. If this recycle drop off site is removed, there will be more recycling and boxes which would be out during residential recycling days. This could be a hazard if it is windy.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for December – 293,083 gal., spring flow for December – 68,898 gal., East WWTP treated 305,000 gals. and the West WWTP treated 199,000 gals. The East WWTP total is over our permitted level. This is a direct result of I&I. The Committee recommend suspending the currently funded I&I project and use those funds to complete an I&I engineering study immediately. This will identify the area(s) contributing to the I&I. The Bay Restoration grant application could include some of these I&I costs. The water reservoir project should be finished in February.

PUBLIC WORKS – Commissioner Dietrick reported:

The Brookridge South Pump Station pumps continue to have to be pulled to clear blockages caused by residents flushing flushable wipes and baby wipes. Town staff refurbished an aqua-disk filter at the EWWTP, installed a new ultrasonic meter at the WWTP, dealt with a snow event, and cleaned up the recycling site at the Middletown Community Park. They hung and then later removed the Christmas decorations, fabricated brackets for the military banner poles, and continued the on-going task of hydrant replacements.

SUSTAINABILITY – Commissioner Goodman reported:

The committee will meet on January 19, 2021. The group is setting goals for the next year. They include planting 100 additional trees, selling 20 compost bins, 25 rain barrels, provide Green Talks with the library via Zoom, increase the number of pollinator fields in town and hope to have a 2021 Green Expo.

PLANNING COMMISSION – Commissioner LaPadula reported:

The next Planning Commission workshop is Wednesday, January 13th and the Planning Commission meeting is January 18th, 2021. Agenda items for the January Planning Commission workshop and meeting include; Foxfield Section 6 Preliminary Forest Conservation Plan review, Foxfield Section 6 Preliminary Plat review, 2020 Comp Plan Chapter 5, Transportation review and the Broad Street Reconstruction Plan review.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

He has noticed many of the town trails being used. If anyone has any future POS ideas, please let him know. Memorial trees and benches can still be purchased to honor a loved one. Any trees ordered now through the Summer of 2021 will be planted in the Fall of 2021.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

The top 5 areas visited on the town website for the month of December were 1. Water/sewer page, 2. Covid information, 3. Email notification sign-up page, 4. Community calendar and 5. Town Business Directory. Residents are reminded to sign up for the Town email distribution and list serve notifications.

NEW BUSINESS: None.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Special Election Nominating Convention, January 12 at 7:00PM – This is a virtual nominating convention, please check the website and Town Facebook page for the zoom meeting details.*
- *Public Hearing for Liquor Ordinance – Monday, January 25, 2021 at 7:00PM. This is a virtual meeting, please check the website and Town Facebook page for the zoom meeting details.*

Meeting adjourned at 8:52PM.

Respectfully submitted,

Annette Alberghini,
Office Manager

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

VIRTUAL NOMINATING CONVENTION

January 12, 2020

The virtual Nominating Convention was called to order by Burgess John Miller at 7:00 p.m. on February 25, 2020. The purpose of this convention is to nominate candidates to fill the empty Commissioner position due to Larry Bussard resigning in the Fall of 2020. This nominating convention follows Resolution 20-06 – Special Election Requirements (passed on December 14, 2020). Because of Covid restrictions a normal nominating convention which follows the Town Charter would not be allowed due to safety concerns. Resolution 20-06 is a temporary resolution and will expire once the Governor’s emergency executive order for Covid ends. Burgess Miller explained that in order to hold office, you must be 18 years of age, a town resident for at least 1 year, and a registered voter. Everyone nominated at the nominating convention this evening will be appear on the voting ballot. No petition for office with signatures will be accepted for this election. The Special Election will be completed by mail-in ballot. All registered voters within Middletown will receive a mail-in ballot. Completed ballots must be received at the Middletown Municipal Center by close of business February 22, 2021.

Burgess Miller then asked if there were any questions, hearing none the floor was opened for nominations.

Nominations for Commissioner:

Lisa Stottlemeyer, 6 Coblenz Court, nominated Kevin Stottlemeyer

Ana Lomb, 9 Washington Street, nominated Eric Ware

Each of the candidates gave a brief bio. Candidates were asked to provide a biography and tentative goals if elected, to Town staff, so that it may be placed on the town website and town social media outlets.

The Nominating Convention adjourned at 7:15 p.m.

Respectfully Submitted,

Annette Alberghini

ORDINANCE NO. 20-11-01

AN ORDINANCE TO AMEND TITLE 13 TO AMEND THE TOWN'S WATER AND SEWER BILLING POLICIES AND PROCEDURES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 13, Chapter 12.040 of the Middletown Municipal Code be, and hereby is amended as shown below. Language being deleted is designated by being [~~in brackets and stricken through~~]. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 13 – PUBLIC SERVICES

Chapter 13.12. WATER AND SEWER FEES AND CHARGES

13.12.040. – Billing Policies and Procedures.

A. – E. {*Unchanged*}

F. Disconnection and Reconnection Policy.

1. Payment in full of the water and sewer bill must be made prior to the disconnection date stated in the notice of disconnection of service. If payment is presented on the disconnection date stated in the notice of disconnection of service, payment must be paid in cash, money order, **OR BY CREDIT CARD** in person at the Middletown Municipal Center by 9:30 a.m. of that date, and if such payment is not received by that time, the disconnection of water service will begin at 10:00 a.m. No service will be disconnected if the balance due on the bill is less than fifty dollars (\$50.00).
2. For service to be reconnected after disconnection, a reconnection fee must be paid in the following amounts: For a first occurrence—Fifty dollars (\$50.00); for a second occurrence within any twelve (12) consecutive month period—One hundred dollars (\$100.00); for a third or more occurrence within any twelve (12) consecutive month period—One hundred fifty dollars (\$150.00). In order to have service reconnected, the unpaid balance of the bill and the reconnection fee must be paid, in full, by cash, [~~and/or~~] money order, **OR BY CREDIT CARD** in person at the Middletown Municipal Center.

G. – K. {*Unchanged*}

L. Unusually Excessive Water Use. In the event that a meter reading reflects an unusually high water usage, **WHICH MUST BE 40% HIGHER THAN THE AVERAGE OF THE PREVIOUS FOUR (4) QUARTERS**, which is due to a broken pipe or leak in the plumbing on the property, then the Town will allow, for a first such occurrence during a five-year period, a reduction in the amount of the water and sewer bill. In order to be granted the reduction, the

property owner must submit a written request to the town for the reduction and state the nature of the cause of the high water usage and the action taken to correct and resolve the problem. The revised bill will be established **BY CHARGING THE NON-TIERED RATES FOR THE GALLONS USED**, as based upon two times the average of the water usage for the property for the four quarters immediately preceding the high water reading.

In the event that there is a second occurrence within five years of an unusually high meter reading for a same property, then the property owner shall be responsible for the entire water and sewer bill; provided, however, that if it can be demonstrated to the satisfaction of the town that the leaking water did not empty into the town's sanitary sewer system, and therefore did not require treatment at the wastewater treatment facility, then the town may, but is not required to, waive all or some of the sewer portion of the bill. **IF THE SECOND OCCURRENCE IS WITHIN FIVE YEARS AT THE SAME PROPERTY, BUT WITH A DIFFERENT PROPERTY OWNER, THE TOWN MAY GRANT ANOTHER REDUCTION IN THE WATER AND SEWER BILL. THE SAME PROCESS FOR GRANTING THE REDUCTION WILL APPLY.**

M. The town will allow payment plans for financial hardship cases. The terms of the payment plan will be [~~negotiated by the town administrator based upon the financial circumstances of the property owner requesting the payment plan~~] **OUTLINED ON THE MIDDLETOWN PAYMENT PLAN FORM. THE MINIMUM REQUIREMENTS OF THE PLAN ARE THAT THE OUTSTANDING BALANCE MUST BE PAID OFF WITHIN ONE (1) YEAR. There is a MINIMUM REQUIREMENT OF AT LAST A MONTHLY PAYMENT. A SERVICE LOCATION IS ONLY ALLOWED TO HAVE ONE PAYMENT PLAN IN PLACE AT A TIME.**

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

**INTRODUCED ON THE _____ DAY OF _____, 2020
PASSED ON THE _____ DAY OF _____, 2020
EFFECTIVE DATE: _____, 2020**

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

ORDINANCE NO. 21-01-01

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 32, SECTION 17.32.250 OF THE MIDDLETOWN MUNICIPAL CODE TO ESTABLISH THE AUTOMATIC EXPIRATION OF ALL SITE PLAN APPROVALS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 17, Chapter 32.250 of the Middletown Municipal Code be, and hereby is amended as shown below. Language being deleted is designated by being ~~in brackets and stricken through~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 17 - ZONING

17.32.250 - Planning commission site plan review, APPROVAL AND EXPIRATION.

A. ALL SITE PLAN ApprovalS ~~[of a site plan submitted under the provisions of this section]~~ shall **AUTOMATICALLY** expire three (3) years after the date on which the planning commission approves the site plan, unless **SUBSTANTIAL CONSTRUCTION OF SITE IMPROVEMENTS PURSUANT TO A VALIDLY ISSUED PERMIT** has begun **IN GOOD FAITH. IN THE EVENT A SITE PLAN APPROVAL WAS OBTAINED FROM THE PLANNING COMMISSION PRIOR TO THE ENACTMENT OF THIS ORDINANCE, SUCH SITE PLAN SHALL EXPIRE THREE YEARS AFTER THE DATE ON WHICH THIS ORDINANCE WAS ENACTED, UNLESS SUBSTANTIAL CONSTRUCTION OF SITE IMPROVEMENTS PURSUANT TO A VALIDLY ISSUED PERMIT HAS BEGUN IN GOOD FAITH.**

B. Upon written request submitted to the planning commission no later than one (1) month prior to the expiration date, and for good cause shown by the applicant, a one-time extension for a period not to exceed six (6) months may be granted by the planning commission. Extension of the site plan may be granted by the planning commission for delays attributable to town, county or state agencies.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

BY: _____
John D. Miller, Burgess



PUBLIC WORKS AGREEMENT Memorial Hall Redevelopment

THIS AGREEMENT, made this _____ day of _____, 20___, by and between the **Burgess and Commissioners of Middletown**, a body corporate and politic of the State of Maryland (hereinafter referred to as “TOWN”), and **Memorial Hall Middletown, LLC**, a Delaware limited liability company, (hereinafter referred to as “OWNER”), witnesseth:

WHEREAS, OWNER is seeking to redevelop Memorial Hall located at 4 East Main Street, Middletown Maryland (the “Property” or “Memorial Hall”) into fifteen (15) residential apartments units and up to two (2) commercial units; and

WHEREAS, OWNER will be investing over \$2,000,000 in redeveloping Memorial Hall into apartments and commercial space; and

WHEREAS, OWNER has filed an application with the TOWN for the Downtown Revitalization Zone; and

WHEREAS, TOWN is willing to provide financial incentives to OWNER toward the redevelopment of Memorial Hall while keeping many of the elements of Memorial Hall, such as the façade, to further the reuse of this historic building in the downtown; and

WHEREAS, the TOWN and the Planning Commission have substantially approved the redevelopment of Memorial Hall in accordance with OWNER’s plans; and

WHEREAS, OWNER and TOWN have consented and agreed to enter into this Agreement believing it to be to their mutual benefit;

NOW, THEREFORE, in consideration of the premises and of the covenants hereinafter set out, TOWN and OWNER, for themselves, their respective heirs, personal representatives, successors and assigns, do hereby mutually covenant, promise and agree as follows:

1. Subject to receipt of any approvals, OWNER shall, within six (6) months from the date of execution of this Agreement by TOWN, begin to construct or cause to be constructed, all of the improvements (hereinafter referred to as “Improvements”) as set forth in detail on the drawings prepared by Ellison & Benjamin Architecture, in conjunction with Fox & Associates, or formal written comments (hereinafter referred to as “Plans”) on file with the Frederick County Division of Public Works in accordance with the final approved site plan. The rights of way and easements appurtenant thereto shall be laid out and shown on a plat recorded among the Land Records of Frederick County following the issuance of the final Use and Occupancy Permit in the phase or drainage basin serving the facility.

2. The OWNER shall provide the following based on the Conditional Approval for the Site Plan granted by the Planning Commission:
 - A. Site Plan showing all utilities;
 - B. Outdoor lighting plans for review by the Planning Commission; and
 - C. Fully executed Public Works Agreement.
2. OWNER shall proceed with construction of the Improvements subject to approval by the inspectors or other authorized agents of Frederick County and TOWN. Owner shall pay to Frederick County and the Town the required inspection and administration fees.
2. The TOWN has waived Non-Residential parking requirements by 100%, and Residential parking requirements are waived 50% in perpetuity. Additional parking waivers may be granted by the Planning Commission.

[Prior to August 1, 2022, the TOWN will secure and provide additional parking, consisting of at least fifteen (15) parking spaces, for use by, and adjacent to, the Property, at no cost to the OWNER.]

4. The TOWN will expedite navigation through the Planning Commission and/or Board of Appeals to help secure final approvals by no later than February 28, 2021.
5. The TOWN will waive all Planning Commission and Board of Appeals fees.
6. The TOWN will reduce the cost of water and sewer tap fees by 50% and the Improvement Fee is waived 100%. The OWNER has determined that the project requires a 3" domestic water line for use by the property. The adjusted cost for the taps for the 3" domestic supply totals \$99,000.00, which represents a discount of \$176,000.00.
7. *The TOWN will offer a deferred payment plan for water and sewer taps fee upon a request from the OWNER. Such fees shall be paid quarterly over five (5) years as of the date that the Property is fully leased following the issuance of the Certificate of Occupancy.*

The assessed value of the Property will be taxed at 20% the first year, 40% the second year, 60% the third year, 80% the fourth year, and the full amount in the fifth year after project completion.

At the request of the OWNER, the TOWN shall use its best efforts to procure government and other grants to finance and improve the Property, including its façade through the Façade Improvement Program, in collaboration with the OWNER.

8. OWNER shall indemnify, defend and hold harmless the TOWN from any and all liability, claims, actions, and demands whatsoever arising from or related to the installation, construction, maintenance and removal of Improvements.

9. OWNER warrants that OWNER holds fee simple title to the property on which the Improvements are to be constructed and that all parties having any right or interest of record in said property have joined herein.
10. The conditions and covenants set forth in this Agreement shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The OWNER and every purchaser, assignee or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto.

OWNER shall have the right to sell, assign or transfer this Agreement with all their rights, title and interests therein to any person, firm or corporation.

11. OWNER, for himself, his heirs, personal representatives, successors and assigns, grants TOWN, its agents and employees, a right to enter upon those portions of property at normal construction hours during the period of construction upon which Improvements are to be constructed hereunder for the purposes of assuring compliance with this Agreement.
12. The development rights and terms in this Agreement are fully vested in the OWNER and may only be changed or modified by a written agreement by the parties.
13. Time is of the essence for this Agreement. The TOWN will make every reasonable effort to expedite the subject matters hereof and acknowledges that the successful performance of this Agreement requires its continued cooperation.
14. This Agreement shall be construed and enforced in accordance with the laws of the State of Maryland. If litigation is initiated, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party.

AS WITNESS the hands and seals and/or corporate names of the parties hereto the day and year first hereinbefore written.

ATTEST:

Burgess and Commissioners of Middletown

Witness

By: _____
John D. Miller, Burgess

Memorial Hall Middletown, LLC

Witness

By: _____ (SEAL)
Elkana Breton, Owner

Memorial Hall Middletown, LLC

Witness

By: _____ (SEAL)
Ingrid Smith, Owner

The undersigned lienholder executes this Agreement for the purpose of giving consent to the Town of Middletown and its agents to enter the subject Property for the purposes set forth in this Agreement, but does not obligate the lienholder to fulfill the obligations of the Owner required herein.

Corporation or Partnership Name:

Witness

By: _____ (SEAL)
Signature:

Name & Title: (Please Print)

STATE OF MARYLAND, COUNTY OF FREDERICK, TO-WIT:

I HEREBY CERTIFY that on this _____ day of _____, 20____, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____ who acknowledged her/himself to be the _____ of _____, a body corporate, and that she/he authorized by the corporation to execute this instrument for the purposes contained herein.

Witness my hand and Notarial Seal

Notary Public
My Commission Expires: _____

(TOWN OF MIDDLETOWN)

STATE OF MARYLAND, COUNTY OF FREDERICK, TO-WIT:

I HEREBY CERTIFY that on this _____ day of _____, 20____, before me, the subscriber, a Notary Public in and for the State and County aforesaid personally appeared John D. Miller, who acknowledged himself to be the Burgess of the Burgess and Commissioners of Middletown and that in his capacity as Burgess, he is authorized to execute the foregoing instrument on behalf of the Burgess and Commissioners of Middletown for the purposes therein contained by signing the name of the body corporate and politic by himself as Burgess.

Witness my hand and Notarial Seal.

Notary Public
My Commission Expires:_____

2021 Special Election Judge List

- Alex Kundrick
 - 3 Crone Lane Middletown, MD 21769
- Judy Brandenburg
 - 16 Larch Lane Middletown, MD 21769
- Pat Hansen
 - 303 S. Jefferson Street Middletown, MD 21769
- Marion Damato
 - 207 Ingalls Drive Middletown, MD 21769
- Susan Kraus
 - 104 Locus Court Middletown, MD 21769
- Cherice Norris
 - 201 Ivy Hill Dr Middletown, MD 21769
- Carolyn Nair
 - 109 Ivy Hill Dr Middletown, MD 21769
- *Steve Galeski*
 - *12407 Catocin View Dr. Mount Airy, MD 21771*
- *Joan Gerstner*
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